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August 19, 2002

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**ERRATA**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> H Street, SW, Portals  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Joint Application by Verizon for Authorization To Provide In-Region, InterLATA Services in States of Delaware and New Hampshire, Docket No. 02-157 - REDACTED

Dear Ms. Dortch:

This letter responds to staff questions regarding requests for dark fiber in New Hampshire. Additionally, this letter also provides minor corrections to a page included in the Application and in the Declaration of Paul A. Lacouture and Virginia P. Rueterholz as well as a correction to data provided to the FCC on August 15, 2002.

The staff asks for confirmation that no CLEC has ordered dark fiber in New Hampshire during the period February 2002 through April 2002. Attachment 31 to the Lacouture/Rueterholz Declaration contains a complete listing of all CLEC dark fiber orders completed from July 2000 through April 2002 for all of the New England states. We have marked with an asterisk those orders listed on Attachment 31 that were for New Hampshire and included that revised data with this letter. See Attachment A. As shown in Attachment A, the most recent New Hampshire order was completed on September 5, 2001. There were no New Hampshire dark fiber orders in May or June 2002. The staff also asks specifically if BayRing has ordered dark fiber in New Hampshire. As indicated in Attachment A, BayRing has not ordered dark fiber in New Hampshire during the period July 2000 through April 2002. Nor has BayRing ordered dark fiber in New Hampshire during May or June 2002.

As noted above, Attachment B of this letter also provides corrections to a page in the Application, in the Lacouture/Rueterholz Declaration, and in the material submitted to the FCC on August 15, 2002. On page 55 of the Application, Verizon states that “as of March 2002, Verizon had received only 397 dark fiber orders from CLECs throughout its New England states, and CLECs cancelled 134 of those orders.” “March 2002” is corrected to be “April 2002.” In

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paragraph 251 of the Lacouture/Ruesterholz Declaration – NH, “February, March, and April 2002” is corrected to read, “July 2000 through April 2002.” Finally, in response to a question from staff, Verizon notes that the sign for the z-score associated with revised performance measure PR-3-10-3142 (PA, June 2002) provided on August 15, 2002, was inadvertently reversed. The correct z-score should be +9.32, not -9.32.

Attachment A contains proprietary information and has been redacted. A confidential version is also being filed with the attachment. Please let me know if you have any questions.

Sincerely,



Attachments

cc: H. Thaggert  
V. Schlesinger  
G. Remondino  
T. Wilson

# **ATTACHMENT A**

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# **ATTACHMENT B**

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requirements like those adopted by the Massachusetts DTE that go beyond the requirements of the Act).

As of April 2002, Verizon had received only 397 dark fiber orders from CLECs throughout its New England states, and CLECs cancelled 134 of those orders. See Lacouture/Ruesterholz NH Decl. ¶ 251. Verizon completed on time 94 percent of the remaining orders. See id. Verizon did not receive any dark fiber orders from February through April in Delaware.

#### **5. Combining Unbundled Network Elements.**

Verizon provides competing carriers in New Hampshire and Delaware with both existing combinations of network elements and access to unbundled elements that allows competing carriers to assemble combinations of elements themselves in the same manner as it does in Verizon's 271-approved states. See Lacouture/Ruesterholz NH Decl. ¶ 253; Lacouture/Ruesterholz DE Decl. ¶ 247. In addition, Verizon has notified CLECs in New Hampshire and Delaware that it will provide new combinations of network elements. See Lacouture/Ruesterholz NH Decl. ¶ 253; Lacouture/Ruesterholz DE Decl. ¶ 247.

*First*, Verizon provides the same preassembled combinations of network elements that it provides in its states that have received section 271 approval.<sup>38</sup> In New Hampshire, Verizon

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<sup>38</sup> For purposes of this Application, Verizon is not required to demonstrate that it is providing new EELs to CLECs because, while the mandate of the Supreme Court's decision in Verizon Communications Inc. v. FCC, 122 S. Ct. 1646 (2002), has already issued, the mandate of the Eighth Circuit's decision reinstating the new EEL requirement has not. See Massachusetts Order ¶ 219 (finding "not relevant to our analysis of checklist compliance" the question whether Verizon had complied with a court decision that "had not issued when Verizon filed the instant application."). Verizon has nonetheless always provided competing carriers with both new platforms and existing EELs, and Verizon also will provide carriers in New Hampshire and Delaware with new EELs subject to the limitations that the FCC has upheld in the Supplemental Order Clarification. See Lacouture/Ruesterholz NH Decl. ¶ 253; Lacouture/Ruesterholz DE Decl. ¶ 247.

the New Hampshire PUC's requirements, Verizon will repair and maintain CLEC-utilized fiber using the same methods and procedures it uses for itself.

250. Unbundled dark fiber may be accessed from the CLEC's collocation arrangement. Verizon provides dark fiber to CLECs on a first come, first served basis.

251. During July 2000 through April 2002, Verizon has received only 397 dark fiber orders in all of the New England states. Of these orders, 134 were cancelled by the CLEC. Verizon completed over 94 percent of the remaining orders on time. *See* Attachment 31.

252. CTC has argued that Verizon would not allow CLECs to incorporate just the dark fiber SGAT terms into an interconnection agreement but rather required a CLEC seeking dark fiber to adopt the SGAT in its entirety. This matter has been resolved. Verizon and CTC have agreed on dark fiber language for CTC's interconnection agreement. Additionally, Verizon has agreed to convert its entire SGAT into a tariff by the end of 2002. *See* June 5, 2002 Letter from J. Michael Hickey to Thomas B. Getz, Chairman, New Hampshire Public Utilities Commission (App. B-NH, Tab 28). Once the dark fiber offering is available under tariff, CLECs will be able to directly order anything contained in the SGAT without adopting the terms of the entire SGAT.

5. Methods of access to combine network elements

253. Verizon provides CLECs in New Hampshire the same methods of access to combine unbundled network elements as it does in Massachusetts, Rhode Island, Vermont, and Maine, which the Massachusetts DTE, the Rhode Island PUC, the Vermont PSB, the Maine PUC and the FCC found satisfy the checklist. *See Massachusetts Order* ¶¶ 117, 119; *Rhode Island Order* ¶ 72; *Vermont Order* ¶ 44; *Maine Order* ¶ 42. Verizon